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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,453	10/15/2003	Richard D. Hibbs	HREL121731	8781
26389	7590	03/25/2004	EXAMINER	
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			KING, ANITA M	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/687,453

Applicant(s)

HIBBS ET AL.

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-13, 16, 17 and 19 is/are rejected.
- 7) ☒ Claim(s) 9, 10, 14, 15, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/687,453, Apparatus for Securing a Cap of a Container to an External Structure, filed on October 15, 2003.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "34". A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

There is an inconsistency within the claimed subject matter; the preamble of claim 1 indicates a subcombination, while in at least one instance in the body of the claims there is a positive recital of structure indicating that the combination of a hanger and a cap are being claimed. The examiner cannot be sure if applicant's intent is to claim merely the hanger or the hanger in combination with the cap.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the hanger alone or the combination of the hanger and the cap. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination,

then the body of the claims must be amended to remove positive recitation of the combination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent D367,998 to Graw et al., hereinafter, Graw. Graw discloses a hanger comprising: a coil; a body connected to the coil, in which the body is configured to extend away from the coil; a hook connected to the body, in which the hook is configured to engage an external structure for hanging; wherein the coil, body, and hook are constructed of wire; wherein the coil, body, and hook are constructed of a single integral length of wire; and an intermediate bend providing a space.

In regards to claim 11, Graw discloses an apparatus for securing an object, that may be a cap of a container, to an external structure, comprising: a retaining structure configured to fit inside the object and engage the interior of the object; and a securing structure connected to the retaining structure that releasably secures the object to the external structure.

Claims 1-7, 11-13, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,066,886 to Henn. Henn discloses a hanger comprising: a coil (2); a body connected to the coil, in which the body is configured to extend away from the coil; a hook (5) connected to the body, in which the hook is configured to engage an

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external structure for hanging; wherein the coil, body, and hook are constructed of wire; wherein the coil, body, and hook are constructed of a single integral length of wire; an intermediate bend providing a space; in which the wire is made of stainless steel; in which the coil is comprised of one or more loops; in which the coil is comprised of a partial loop; in which the coil is configured to be retained by spring tension.

In regards to claims 11-13, 17, and 19, Henn discloses an apparatus capable of securing a cap of a container to an external structure, the apparatus comprising retaining structure capable of fitting fit inside the cap (i.e., if the diameter of the cap is slightly larger than the diameter of an opening in a cap) and engage the interior of the cap; securing structure connected to the retaining structure that releasably secures the cap to the external structure; in which the retaining structure uses friction to releasably engage the interior of the cap; in which the retaining structure is a coil, wherein outward spring tension from the coil presses the coil against the interior of the cap; in which the securing structure is a hook; in which the retaining structure is further shaped with an intermediate bend forming a space.

Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 2,995,333 to Pazzano. Pazzano discloses an apparatus capable of securing a cap of a container to an external structure, the apparatus comprising: retaining structure, capable of fitting inside the cap (i.e., if the cap is inverted for the coil, 17 to fit within the cap); securing structure connected to the retaining structure that releasably secures the cap to the external structure; and in which the securing structure is a clip (4).

Allowable Subject Matter

Claims 9, 10, 14, 15, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 365,802 to Dow

U. S. Patent 3,981,471 to Currier

U.S. Patent D258,330 to Bosley

U.S. Patent 4,746,089 to Clapper

U.S. Patent 4,997,156 to Allen

U.S. Patent 5,118,019 to Harrison

U.S. Patent 5,150,808 to Hamilton

U.S. Patent 5,492,297 to Underwood

U.S. Patent 5,580,019 to Glesser

Japanese Publication 2002-12044 to Hagano et al.


Dow discloses a broom hanger having a coil. Currier discloses a single-piece hanger. Bosley discloses a hanger for potted plants. Clapper discloses a magnetic fuel tank cap holding system. Allen discloses a holder for a beverage container, wherein a wire member is connected to a clip. Harrison discloses an automobile fuel tank fuel cap holder. Hamilton discloses a cap holder device. Underwood discloses a tension clamp hanger. Glesser

discloses a retrofitable gas cap holder. Hagano et al. disclose a device for supporting a fuel cap.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

March 20, 2004